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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

RIGHTS OF THE CHILD

Note verbale dated 3 February 2000 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit to it herewith* a study on the adverse effects of the embargo on children and women in Iraq.

The Permanent Mission of the Republic of Iraq would be grateful to the Office of the High Commissioner for Human Rights if it would kindly consider this study as an official document of the fifty-sixth session of the Commission on Human Rights.

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* The annex is reproduced as received, in the language of submission and in English.

Annex

Study on the effects of the embargo on children and women in Iraq, submitted to the fifty-sixth session of the Commission on Human Rights, Geneva, 20 March - 28 April 2000

Introduction

On the occasion of the fifty-sixth session of the Commission on Human Rights, the first session in the new century in which it was hoped that the peoples of the world would reap the fruits of their long and bitter struggle in the field of human rights which began, 52 years ago, with the proclamation of the Universal Declaration of Human Rights, an instrument designed to promote freedom, justice and equality, eliminate poverty and ensure a secure and stable life, the present situation unfortunately confirms that the lofty principles and values advocated in that Declaration and in subsequent covenants and conventions have been disregarded and are not being applied. Human rights are still being violated in various ways in some parts of the world and the gap between the wealthy minority and the indigent majority has widened. It is extraordinary that this wealthy minority, which constitutes no more than one-fifth of mankind but nevertheless controls and consumes more than 80 per cent of the natural resources of our planet, speaks of human rights and freedoms, which it loudly claims to be defending.

The poverty, exploitation and pillage of the resources of peoples from which the world is currently suffering and which lead to the death of about 140,000 persons every day are attributable to the arbitrary practices of the dominant minority. Under the currently prevailing, economic, political and cultural standards, which are based on the hegemony of the strong over the weak, States and peoples are viewed from differing standpoints based on political, economic and cultural interests and the overwhelming majority is suffering from biased preconceptions imposed by the minority.

The lofty principles of human rights have been politicized and turned into a sword of Damocles suspended over the heads of peoples instead of being an ideal and commendable means to help peoples to exercise their natural right to live in freedom, security and prosperity.

Although it may be unjust to deny the diligent and sincere endeavours that the international community has made to formulate rules and principles designed to ensure the well-being of mankind and establish peaceful societies enjoying prosperity and stability and

respecting human rights, we see these rights being violated on a daily basis in various parts of the world through selective and biased practices and arbitrary interpretation and application in furtherance of narrow-minded and selfish interests.

The peoples of the world, having built their hopes on the prospect of reaping the fruits of those diligent endeavours to promote human rights and eliminate oppression and injustice, have been greatly disappointed at the gross violations that are being committed without any justification.

During the last 10 years, i.e. since the beginning of the comprehensive embargo that was imposed on the Iraqi people in 1990, the Government of Iraq has endeavoured to draw attention to the tragic consequences of the embargo, the large numbers of children, women and elderly persons who have fallen victim thereto, and its devastating effects on the lives of all sections of Iraqi society. The aim of this condensed study is to acquaint observers of the situation in Iraq with some of the tragic facts concerning only two sections of society, namely women and children.

The rights of the child

When Iraq acceded to the Convention on the Rights of the Child in 1994, its population was estimated at 20 million persons, of whom 51.4 per cent were children under 18 years of age. Of the total population, about 15.53 per cent were in the age group 0-4 years, about 13.48 per cent in the age group 5-9 years, about 12.9 per cent in the age group 10-14 years and about 9.34 per cent in the age group 15-18 years. In other words, the age group 0-9 years, which requires health and nutritional care, constitutes 29.19 per cent of the population of Iraq and 56.73 per cent of its total child population, which is the category in direst need of enjoyment of the right to survival as recognized in the Convention on the Rights of the Child. The age group 10-18 years which needs to enjoy the right to growth, education, development and effective participation in society, constitutes 22.24 per cent of the total population and 43.24 per cent of the child population.

These figures in themselves indicate not only the vital future importance of the implementation of the Convention on the Rights of the Child in Iraq but also the extent of the heavy constitutional and humanitarian responsibility towards the children of Iraq, since the fate of this category will affect the future of Iraq and its coming generations, which the Government of Iraq is endeavouring to safeguard, as a matter of principle, in view of the importance that it attaches to children.

In fact, special concern is shown for children in Iraq, as illustrated by the priority accorded to them in the development programmes for the education, health care and social welfare sectors. Iraq was one of the few developing countries to make education compulsory at the primary stage and free of charge at all academic levels. Iraq was also one of the few countries of the world to achieve a considerable reduction in infant mortality which dropped from 72 per thousand live births in 1984 to 25 per thousand live births in 1990. This was achieved by significantly expanding and developing health services in general and maternal and child care services and immunization programmes in particular (vaccination coverage against diseases exceeded 90 per cent in 1990). The Government of Iraq was providing health care for 90 per cent of its infants and children under five years of age, as well as obstetric services by trained health personnel for 80 per cent of expectant mothers. Ninety per cent of children under one year of age were protected from diseases through vaccination and 71 per cent of all cases of diarrhoea were treated (the annual incident of diarrhoea among children under five years of age declined to 3.8 per cent in 1990). Ninety per cent of the population enjoyed access to pure drinking water and 78 per cent enjoyed sanitation services, as a result of which life expectancy in the country rose to 65 years for males and 67 years for females.

These achievements, which reflected the Iraqi Government's strong determination and willingness to make available the material and human resources needed to safeguard economic, social and cultural rights, have suffered a serious setback, and many of them have been virtually nullified, over the last 10 years due to the comprehensive embargo which has been imposed on Iraq since 1990 and which has caused the death of more than half a million children, thereby violating the most important human right recognized in article 3 of the Universal Declaration of Human Rights ("Everyone has the right to life, liberty and security of person") and in article 12 of the International Covenant on Economic, Social and Cultural Rights ("The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health").

The following statistical tables illustrate the health situation in Iraq in 1999.

Total number of deaths (attributed to selected causes) due to the economic embargo, by chronological period and age group

Chronological period	Age group		Total
	Under 5 yrs	Over 5 yrs	
1989	7 110	20 224	27 334
1990	8 903	23 561	32 464
1991	27 473	58 469	85 942
1992	46 933	76 530	123 463
1993	49 762	78 261	128 023
1994	52 905	80 776	133 681
1995	55 823	82 961	138 784
1996	56 997	83 284	140 281
1997	58 845	85 942	144 787
1998	71 279	88 760	160 039
1999 (Jan-Nov.)	73 572	89 865	163 437
Total	502 492	748 409	1 250 901

The total number of deaths in both age groups during the period August-December 1990 (the beginning of the economic embargo) amounted to 12,727.

The selected causes were:

Under five years

1. Acute respiratory disorders
2. Diarrhoea and intestinal disorders
3. Malnutrition

Over five years

1. Heart diseases
2. High blood pressure
3. Diabetes
4. Kidney diseases
5. Liver diseases
6. Malignant tumours

Infant mortality rate = 108 per 1 000 live births

Maternal mortality rate = 296 per 10,000 live births

Compiled by the Health and Vital Statistics Division

Mortality (attributed to selected causes) in the under-5-years age group due to the economic embargo

Chronological period		Monthly mortality rate
1989		593
1990		742
1991		2 289
1992		3 911
1993		4 147
1994		4 409
1995		4 651
1996		4 750
1997		4 904
1998		5 940
1999	January	7 533
	February	6 300
	March	5 555
	April	4 585
	May	5 809
	June	7 245
	July	8 794
	August	7 758
	September	6 695
	October	6 227
	November	7 071

Mortality (attributed to selected causes) in the over-5-years age group due to the economic embargo

Chronological period		Monthly mortality rate
1989		1 685
1990		1 963
1991		4 872
1992		6 377
1993		6 522
1994		6 731
1995		6 913
1996		6 940
1997		7 162
1998		7 397
1999	January	8 038
	February	7 642
	March	8 755
	April	8 928
	May	9 198
	June	7 677
	July	6 566
	August	7 253
	September	8 207
	October	9 320
	November	8 281

Compiled by the Health and Vital Statistics Division.

Incidence of low birth weight (< 2.5 kg) as recorded at health institutions during the period of the economic embargo

Chronological period		Monthly average (%)
1990		4.5
1991		10.8
1992		17.6
1993		19.7
1994		21.1
1995		22.05
1996		22.6
1997		23.02
1998		23.81
1999	January	25.2
	February	23.5
	March	23.8
	April	24.7
	May	24.8
	June	23.81
	July	24.9
	August	23.77
	September	24.4
	October	21.6
	November	24.2

Compiled by the Health and Vital Statistics Division

According to a UNICEF report published in July 1999, the mortality rate among children under five years of age rose from 56 per 1,000 live births during the period 1984-1989 to 131 per 1,000 during the period 1994-1999 and the mortality rate among children over five years of age likewise rose from 47 per 1,000 live births during the period 1984 to 1989 to 108 per 1,000 during the period 1994-1999.

A report of the International Committee of the Red Cross entitled "Iraq - a decade of sanctions" indicated that, for the first time during the decade, diarrhoea had once again become the most lethal disease affecting children in Iraq and, for the first time, Iraqi physicians were facing the diseases of the third World, consisting in cholera, malnutrition and smallpox. The report also noted the deteriorating situation in regard to health, sanitation systems and drinking water supplies, as well as the deteriorating situation in Iraqi hospitals due to the non-availability of the resources needed to maintain them, as a result of which the standard of their services had declined. At the same time, there was also a lack of the resources needed to provide appropriate treatment for patients as a result of which, in most cases, the patient died. In the educational sector, during the last two decades the Government of Iraq had made tremendous endeavours to improve the educational standard of its citizens in keeping with its national obligations and in fulfilment of its commitments under the terms of human rights instruments. In accordance with article 26 of the Universal Declaration of Human Rights and article 13 of the International Covenant on Economic, Social and Cultural Rights, everyone has a right to education, which should be directed to the full development of the human personality and the sense of its dignity in order to enable all persons to participate effectively in a free society.

However, the manner in which the rights of the Iraqi people, and particularly their children, are being violated is incompatible with the letter and spirit of those international principles. In fact, the iniquitous embargo has had a severe impact on the educational sector, which is suffering from a dire shortage of academic requisites such as books, stationery and

buildings, as a result of which many students have dropped out of school. The number of drop-outs at the primary, intermediate and secondary levels in the academic year 1998/99 is shown in the following table:

Level	Males	Females	Total
Primary	37 136	33 049	70 185
Intermediate	19 572	18 035	37 607
Secondary	1 301	4 445	5 746

According to the UNESCO report for 1997, about one quarter of the children entitled to enrol for primary education were not attending school. The UNESCO report for 1998 expressed concern at the increasing number of school drop-outs due to the worsening economic situation of their families, which forced them to seek gainful employment in marginal jobs in order to increase their family's income.

Women's rights

The rights of women and the elimination of all forms of discrimination against them are undoubtedly among the top-priority objectives of the international community and form an integral part of its activities which, in turn, have helped to elaborate the rules for the protection of women and the promotion of their full participation, on an equal footing, in political, civil, economic, social and cultural life at the national and international levels.

Accordingly, the Government of Iraq has given special attention to the question of women and their enjoyment of their rights. Their emancipation was not solely a question of moral principle; it was a cultural and economic requirement for the implementation of the socio-economic development programmes. The State has endeavoured to remove all the obstacles impeding the advancement of women by creating conditions under which men and women enjoy equal rights and by allowing full scope for the advancement of women in such a way as to safeguard all their rights and meet all the requirements for socio-economic progress.

In this connection, it should be noted that women constitute half of Iraqi society since, according to the last population census, they formed 50.3 per cent of the total population of 22 million persons. From this, we can conclude that any attempt to marginalize the role, or

perpetuate the disadvantaged status, of this important part of society would inevitably be detrimental to the social development process, which necessitates the mobilization and optimum use of all human resources.

Consequently, the elimination of discrimination against women was accorded high priority in the political programmes of the State, which took all the measures needed to improve the situation of women in Iraq. These measures culminated in the State's ratification of the Convention on the Elimination of All Forms of Discrimination against Women under the terms of Act No. 66 of 1986.

In spite of the unfavourable circumstances resulting from the ongoing embargo which has impeded implementation of that Convention, the State diligently formulated a National Strategy for the Advancement of Women in the light of the Nairobi Forward-looking Strategies for the Advancement of Women and the Beijing Declaration and Platform of Action and formed a Higher National Committee to formulate policies and establish mechanisms for their implementation at the official and popular levels. It also formed numerous specialized committees to improve the situation and promote the advancement of women.

In this context, there is a need to highlight the extent of the progress achieved prior to the embargo when the high standards attained exceeded all those in the developing countries, and to review the legislative enactments that were designed to bring about a radical change in the roles of women, to intensify their self-awareness and to emphasize their role as a basic element in the socio-cultural development process.

The Iraqi legislation which is currently in force and the provisions of which are derived from the magnanimous Islamic Shari'a and the human cultural heritage, guarantees the economic rights of women. Article 19 of the Iraqi Constitution forms a basis for social equality, in its broad sense, between the sexes. The Labour Act No. 71 of 1987 recognizes the right of women to work and make financial investments on an equal footing with men. In addition, under the terms of the Pensions and Social Security Act No. 36 of 1971, women enjoy important rights, including paid maternity leave and pension entitlements.

In the field of family relations, the Personal Status Act No. 188 of 1959, as amended, guarantees special rights, such as the obligation to conclude marriage contracts in a court of law and the right to petition for separation or divorce, and prohibits polygamy except in cases in which it is authorized by a court. The Act also defines women's rights in regard to inheritance. The Social Welfare Act No. 126 of 1980 also places women on an equal footing with men

insofar as they can be regarded as heads of households and are entitled to social welfare benefits. In the field of maternal and child welfare, Act No. 94 of 1977 made provision for privileges and entitlements for women which ensure the well-being of expectant mothers and enable them to take proper care of their children.

Iraq has also promulgated a number of important enactments which guarantee the right of women to education, such as the Free Education Decree No. 102 of 1974 under which education became free of charge for both sexes and compulsory at the primary stage. In addition, Iraq had an effective programme for the eradication of illiteracy which targeted women in particular. As a result of that national campaign, for which Iraq was awarded a UNESCO prize, the illiteracy rate declined from 62.48 per cent in 1977 to 25.2 per cent in 1978. The Eradication of Illiteracy Act made education compulsory for illiterate persons of both sexes in the 15-45 age group.

With regard to the right of women to political participation, the National Assembly Act No. 55 of 1980 and the Legislative Assembly of the Autonomous Region of Kurdistan Act No. 56 of 1980 recognized the right of women to vote and stand as candidates in elections. Women currently hold 17 seats in the National Assembly and have the right to join political parties, professional associations and mass federations.

With regard to the elimination of violence against women and measures to protect them, within the framework of the family and society, from any physical or psychological abuse, the State has taken effective measures to combat this phenomenon. The Personal Status Act contains important provisions designed to put an end to violence against women by prescribing penalties for anyone who forces a woman to conclude a contract of marriage which, in such a case, is declared null and void, and by stipulating that acts of violence constitute grounds for legal separation of the spouses. Act No. 8 of 1988 prohibits prostitution. In this connection, it is noteworthy that Iraq acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others on 22 December 1955.

With regard to broader participation by women in occupational and professional activities, it should be noted that women already hold senior posts. At the administrative level, 2,450 women occupy senior posts and a further 380 have been trained to hold such posts. In 1998, 1,093 women were nominated for posts carrying a high degree of responsibility and the proportional participation of women in other occupational sectors was as follows: 13 per cent in the agricultural sector, 8 per cent in the industrial sector and 79 per cent in the services sectors.

Accordingly, the various enactments and procedural regulations referred to in this study have consolidated the principle of gender equality by seeking to protect the rights of women, enhance their self-image and promote a positive social attitude towards them. On the whole, these enactments and regulations are an expression of the broad strategy of change to which the State is committed.

After this brief presentation of the Iraqi legislative enactments which guarantee the rights of women in such a way as to enhance their dignity and affirm their value and their human role in social development, we must draw attention to the fact that much of the developmental progress achieved by women in the occupational and socio-economic spheres is being severely threatened by the ongoing embargo which has been imposed on Iraq for 10 years and which has had catastrophic consequences on all vital facilities and all categories of the people, particularly women and children. In fact, the embargo has caused material damage and daily human suffering which are placing a heavy psychological, physical and social burden on women due to the shortage of food and medicine and the deteriorating standard of living of families, and particularly of women, the effects of which will continue to be felt by future generations. Hence, we can say that Iraqi women have been deprived of the effective enjoyment of all of their most fundamental rights recognized in international conventions, and particularly their inherent right to life.

The economic sanctions imposed on Iraq have unquestionably affected many aspects of life and pose a threat to human rights, particularly the primary and most important right to life, which is certainly incompatible with the International Bill of Human Rights since article 3 of the Universal Declaration of Human Rights stipulates that "Everyone has the right to life, liberty and security of person" and article 12 of the International Covenant on Economic, Social and Cultural Rights stipulates that "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health".

In this context, the harm caused to women by the ongoing embargo should be highlighted as follows:

Everyone is aware that the deterioration in the public health situation in Iraq, combined with the worsening living conditions due to the ongoing sanctions, has had a particularly adverse effect on women of childbearing age, expectant mothers and children who form more than two-thirds of the total population and constitute the category that is most vulnerable to environmental, nutritional, economic and psychological circumstances.

Although Iraq's health system was one of the most progressive and efficient in the region, after 1990 its ability to respond in an adequate manner to the diseases and epidemics that became rampant among the population, and particularly among women and children, declined due to the deteriorating health situation in the hospitals and a large number of citizens have died from diseases that were easily treatable before the embargo. The most recent survey conducted by UNICEF, in collaboration with the Iraqi health authorities, indicated that the current maternal mortality rate amounted to 294 per 10,000 live births due to the deterioration in the health services and the increasing problems encountered in the care of emergency cases.

By 1999, the decline in the number of surgical and obstetric operations performed on women amounted to 70 per cent and the decline in the numbers of other major surgical operations and laboratory tests amounted to 50 per cent and 54 per cent respectively.

The acute shortage of food, medicine and other vital requisites has affected the situation of women by leaving them exposed to chronic malnutrition which, at Baghdad alone, affected 42 per cent of the population in the 20-25 age group and 42 per cent of female children in the 10-14 age group. The analysis of the situation of women and children in Iraq which was conducted by UNICEF in 1999 indicated that the incidence of anaemia among pregnant women was increasing and amounted to 60 per cent among women of childbearing age which, in turn, had led to an increase in the percentage of newborn children weighing less than 2.5 kg. The incidence of thyroid gland diseases and premature births was also increasing. Studies and surveys conducted by international humanitarian organizations have also shown that the incidence of viral hepatitis among mothers and children is eight times higher than before the embargo. Although cholera had been eradicated many years ago, it had reappeared following the United States-NATO aggression and 1,217 cases had been reported, with a large death toll among mothers and children. According to Ministry of Health reports, there has been a fivefold increase in the incidence of tuberculosis among women in hospitals, where the number of recorded cases rose from 234 in 1992 to 1,030 in 1996.

The economic pressures and the collapse of the social infrastructure caused by the embargo have also led to a considerable increase in the number of illegal abortions and acts of social violence and have undermined family relations.

It is noteworthy that the environmental pollution caused by the Coalition forces' use of highly destructive depleted uranium munitions has led to the appearance of serious diseases and medical problems, such as miscarriages, tumours, breast cancer, leukaemia and congenital

deformities. According to a study conducted by the Ministry of Health, 3,894 cases of cancer among Iraqi women were reported in 1998 and the proportion of congenital deformities in females was more than 58 per cent higher than among males.

Far from being confined to the physical aspect, the embargo has also had a psychological and social impact on Iraqi women who, due to the deteriorating situation, the economic pressures and the shortage of financial resources, have become vulnerable to psychological disorders such as anxiety, depression and nervous tension. The studies and surveys that have been conducted in this connection indicate that 57 per cent of Iraqi women are suffering from those diseases and medical problems. According to a Harvard University report, 73 per cent of Iraqi women are suffering from psychological traumas.

Women have also been forced to abandon their careers because of the constantly rising cost of living and the inadequacy of their salaries and to devote all their time to the daily increasing burdens of housework. This will have serious repercussions on the future of women and the country's development process.

In this connection, a survey conducted by UNICEF in 1999 noted a collapse of social and cultural institutions as a result of the sanctions and the deterioration in basic services, which had led to a large increase in the number of families supported by females and mothers, as well as an increasingly widespread phenomenon of street children and beggars which would ultimately disrupt family relations and undermine social cohesion. According to the statistics, the number of divorces was increasing and the number of marriages was declining due to the lack of financial resources. In 1998, there were 25,652 divorces and 136,149 marriages, as compared with 174,691 marriages in 1988.

The educational sector has suffered from the same deterioration and decline as the other sectors due to the embargo. The damage caused to educational institutions has rendered them incapable of playing their role and improving the standard of education, even though the educational system in Iraq had been comparable to those in the developed countries. In fact, the abnormal circumstances brought about by the embargo have led to a large number of female drop-outs at all stages of education. The number of female drop-outs in the academic year 1998/99 was as follows:

Stage	Males	Females	Total
Primary	37 136	33 049	70 185
Intermediate	19 572	18 035	37 607
Secondary	1 301	4 445	5 746

The number of primary and secondary schoolteachers who abandoned their careers in the academic year 1998/99 was as follows:

Stage	Males	Females	Total
Primary	2 897	7 174	10 071
Intermediate and secondary	2 065	3 313	5 371

Women's enjoyment of their political rights has also suffered as a result of the embargo since their participation in political life has declined due to the increasing economic pressures on their families and their absorption in daily domestic tasks does not leave them sufficient time to engage in political activity. This is illustrated by the fact that the number of women participating in sessions of the National Assembly amounted to 17 in 1996, i.e. 6.8 per cent of the total membership, as compared with 33 (13.2 per cent) in 1985. The unfavourable economic situation after 1990 has also impeded effective implementation of the Convention on the Elimination of all Forms of Discrimination against Women, particularly as the State's main concern under the present circumstances is to provide food and medicine, which take priority over measures to eliminate discrimination against women.

Finally, at the beginning of the third millennium, we wish to remind the world that, although the International Bill of Human Rights, heralded by the Universal Declaration of Human Rights, embodied the lofty hopes and aspirations of mankind for a life of security, peace and stability free from the spectre of wars, famine, poverty and disease, the Iraqi people are being subjected to an unjust and interminable embargo which has harmed all sections of society. Women are among the victims of this embargo, designed to destroy a country which was the cradle of human civilization by depriving it of its means of livelihood and prosperity and undermining its human and economic capacities.

Accordingly, Iraq is being subjected to the most odious and historically unprecedented crime of systematic genocide, which is incompatible with all the past and present values and laws adopted by human society and constitutes a violation of all the principles on which international human rights instruments and conventions are based.